

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:05cr345-2

UNITED STATES OF AMERICA)
)
)
vs.)
)
)
JASON MICHAEL DOLINAR(2))

)

ORDER

THIS MATTER is before the Court upon the Defendant's motion for reconsideration of this Court's September 8, 2005 Detention Order. (Doc. No. 30).

The Defendant was detained by this Court on September 8, 2005, after it determined probable cause existed that the defendant had committed qualifying offenses (to wit, an offense for which the maximum term of imprisonment is 10 years or more, and an offense under 18 U.S.C. § 924(c)), and that the Defendant had not rebutted the presumption of detention afforded in 18 U.S.C. § 3142(e) (2). Additionally, this Court found by clear and convincing evidence that there was a serious risk that the Defendant would endanger the safety of an individual in the community. (Doc. No. 10)

The Defendant subsequently was indicted on September 27, 2005, on charges of conspiracy to manufacture and possess with the intent to distribute methamphetamine; possession of Pseudoephedrine with the intent to manufacture methamphetamine, and aiding and abetting; possession of a firearm by a felon; and possession of a stolen

firearm. (Doc. No. 16).

Upon review of the Defendant's motion and the record, even in a light most favorable to the Defendant, the Court finds the circumstances alleged by the Defendant in his motion do not meet the requirements under 18 U.S.C. § 3142(f) for this Court to alter its Order of Detention.

IT IS, THEREFORE, ORDERED that the defendant's appeal of the detention order is **DENIED**.

The Clerk is directed to certify copies of this order to the defendant, counsel for the defendant, to the United States Attorney, the United States Marshals service, and the U.S. Probation office.

Signed: December 1, 2005

A handwritten signature in cursive script, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.
United States District Judge

